

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BETSEY JOHNSON I.L.C.,

Plaintiff,

v.

COLORFUL LICENSES BV,

Defendant.

ORIGINAL

CIVIL ACTION NO. 08-CIV 4145 (WCC)

ECF CASE

**SUPPLEMENTAL ORDER TO SHOW CAUSE FOR PRELIMINARY  
INJUNCTION AND TEMPORARY RESTRAINING ORDER**

Upon the Verified Complaint of Plaintiff Betsey Johnson LLC, hereto annexed, verified by Jonathan Friedman, Chief Administrative and Financial Officer, on the 1st day of May, it is ORDERED, that the above named Defendant show cause before a motion term of this Court, at Room 620, United States Courthouse, 300 Quarropas Street, White Plains, New York, on May 16, at 11:15 o'clock in the forenoon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining Defendant during the pendency of the parties' arbitration from:

**selling, moving, or otherwise distributing any and all tangible goods bearing Plaintiff's licensed mark and/or utilizing formulas identified to Plaintiff (the "Formula") or other intellectual property owned by the Plaintiff, including product packaging and label designs ("Intellectual Property"), in Defendant's possession or the possession of others acting in concert with Defendant. In particular, said order would enjoin Defendant from taking any action with respect to goods bearing Plaintiff's licensed mark, the Formula, or the Intellectual Property that may be currently located in a warehouse in Orangeburg, NY and/or any other goods in similar locations throughout the United States or anywhere in the world (collectively, the "Warehouse Product") during the pendency of arbitration proceedings between the parties.**

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It is further ORDERED that, sufficient reason having been shown therefor, specifically, the avoidance of irreparable harm to Plaintiff's customer goodwill and reputation, pending the hearing of Plaintiff's application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the Defendant is temporarily restrained and enjoined from:

**selling, moving, or otherwise distributing any and all tangible goods bearing Plaintiff's licensed mark and/or utilizing the Formula or the Intellectual Property in Defendant's possession or the possession of others acting in concert with Defendant. In particular, Defendant is hereby enjoined from taking any action with respect to the Warehouse Product.**

This Order is granted ex parte and without notice to the Defendant because of the Plaintiff's reasonable belief that providing notice to the Defendant would cause the Defendant to sell, distribute, or move the Warehouse Product in a manner that would irreparably harm the Plaintiff. This Order, which originally issued on May 1, 2008 is hereby extended until the end of the business day on May 16, 2008, good cause having been shown.

It is further ORDERED that service of a copy of this order and annexed Verified Complaint upon the defendant or his counsel by certified mail, return receipt requested, mailed on or before 4:00 o'clock in the afternoon on May 9 shall be deemed good and sufficient service thereof as provided for by agreement between the parties.

It is further ORDERED that Defendant's response papers are due by May 13, 2008 at 4:00 o'clock, with a courtesy copy to Judge Conner's chambers.

ISSUED AT: White Plains, New York

ISSUED DATE AND HOUR: 5/9/08 9:40 AM

William C. Conner  
Senior United States District Judge